

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 5, 2004

D043222 People v. Coleman

Upon filing an abandonment of appeal, the appeal is dismissed.

D042615 People v. Daugusta

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

D043437 In re E. D., a Juvenile

The appeal is dismissed. Benke, Acting P.J.; We Concur: Haller, J., McDonald, J.

D041522 People v. Close

The judgment is affirmed. McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

D043411 In re Barbara S., a Juvenile

The order declaring Barbara is a dependent and removing her from Vanessa's custody is reversed. This matter is remanded to the juvenile court for that court to direct the Agency to provide notice to the BIA and any appropriate tribes of the proceedings. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate its order. The remittitur is to issue forthwith. Benke, Acting P.J.; We Concur: Nares, J., Irion, J.

D043983 In re Brose on Habeas Corpus

The petition is denied.

D041081 Tanner et al. v. Conte

The opinion filed March 12, 2004, is modified. The judgment is reversed, in part, as to the award of damages. On remand, the trial court is directed to determine the amount of damages, if any, to which plaintiffs are entitled under the proper measure of damages as set forth in this opinion. In all other respects, the judgment is affirmed. As modified, the petition for rehearing is denied.

D040651 Kreutzer et al. v. Metabolife International, Inc. et al.

The request for publication of the opinion is denied.

D036912 M.D.K. Development, Inc. v. Dowlatshahi

The appeal is dismissed pursuant to rule 17(a).

D043727 Robin K. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Aaron, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D042917 Berkly et al. v. Bank of America National Trust and Savings Association et al.

Appellants have failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

D043995 In re Soto on Habeas Corpus

The petition is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 5, 2004 (Continued)

D043984 In re Crenshaw on Habeas Corpus

The petition is denied.

D043613 April F. et al. v Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petitions are denied. McIntyre, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D043251 Gregory Canyon, Ltd. v. Riverwatch

Upon written request filed by appellant, the appeal is dismissed.

D042812 People v. Myles

Upon written abandonment of appeal, the appeal is dismissed.

D043041 Green et al. v. D'Souza et al.

The appeal is dismissed pursuant to rule 17(a).

D042093 In re Conservatorship of Peter C.

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 6, 2004

D043303 Berardino et al. v. Mitchell

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D041943 Goldstein v. Kelleher et al./Scottsdale Insurance Company

Upon written requests filed by appellant Goldstein on March 26, 2004 and appellant Scottsdale Insurance Company on April 1, 2004, the appeals filed on April 1, 2003 by Goldstein and on April 22, 2003 by Scottsdale Insurance Company are dismissed and the remittitur is ordered to issue immediately. Each party will bear its own costs on appeal given the fact each party separately dismissed its appeal.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2004

D043265 In re Alex C., a Juvenile

The judgment terminating Mother's parental rights is reversed. This matter is remanded to the juvenile court, with directions that it (1) require the Agency to give proper ICWA notice to the tribes and Bureau of Indian Affairs and (2) hold a new section 366.26 hearing. If, at the new section 366.26 hearing, the court determines ICWA notice was proper and a tribe does not seek to intervene or otherwise indicate Alex is an Indian child as defined by ICWA, the court shall reinstate all of its previous findings and orders, including the termination of parental rights. The remittitur is to issue forthwith. O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.

D042828 People v. Kerr

The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D043895 Dumorney D. v. Superior Court of the County of San Diego/San Diego County Health and Human Services Agency

The attorney for petitioner Dumorney D. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D042221 In re West on Habeas Corpus

The petition is denied.

D041909 People v. West

The prison prior enhancement is stricken rather than stayed. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment to reflect the modification and to forward a certified copy of the amended abstract to the Department of Corrections. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D042911 People v. Jack

The judgment is affirmed. Benke, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

D043166 In re Louis S., a Juvenile

The order made at the 12-month review hearing and all subsequent orders are reversed. The court is directed to ensure that proper notice is given under the ICWA. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate the order. (See Dwayne P. v. Superior Court, supra, 103 Cal.App.4th at p. 261.) CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., Haller, J.

D040331 In re Anthony J., a Minor

D041558 In re Anthony J., a Minor, on Habeas Corpus

The above-numbered appeals are consolidated for disposition.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 7, 2004 (Continued)

D040331 In re Anthony J., a Minor

D041558 In re Anthony J., a Minor, on Habeas Corpus

Let a writ of habeas corpus issue directing the respondent superior court to vacate the judgment and enter a judgment of dismissal on count 2. The appeal from the restitution order is denied as moot.

CERTIFIED FOR PUBLICATION. Nares, J.; We Concur: Huffman, Acting P.J., McDonald, J.

D041142 Bowen et al. v. Ziasun Technologies, Inc.

On the court's own motion it is ordered that the opinion filed on March 8, 2004, is modified. No change in judgment. The petition for rehearing is denied.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2004

D044049 McMillin Real Estate v. Amkhanitsky

It appears to the court that Mikhail Amkhanitsky has been declared a vexatious litigant within the meaning of Code of Civil Procedure section 391. The notice of appeal filed by Mikhail Amkhanitsky on March 24, 2004, in the Superior Court was forwarded to this court and assigned an appellate court number in error. Only appeals of general jurisdiction belong in the court. The appeal is Dismissed as to this court and transferred to the Appellate Division of Superior Court.

D041183 San Diego County Veterinary Medical Association v. County of San Diego

The petition for rehearing is denied.

D044058 In re Eliahs C., a Juvenile

Monica G.'s appeal from the court's order of December 1, 2003, is from a non-appealable order. (Welfare & Institutions Code section 366.26, subdivision (l).) Monica G.'s appeal from the court's order of November 24, 2003, is moot. The appeals are dismissed.

D043576 Mayla V. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is dismissed. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D043642 In re Huynh on Habeas Corpus

The petition is denied.

D044010 In re Frost on Habeas Corpus

The petition is denied.

D043930 In re Sinclair on Habeas Corpus

The petition is denied.

D044041 California Chiropractic Association v. Superior Court of San Diego County/American Specialty Health Plans, Inc., et al.

The filing does not comply with California Rules of Court, rule 12.5c, d and e. The clerk is directed to cancel the file stamp on the petition and companion documents pursuant to rule 46 and return them to petitioner's counsel. This order is made without prejudice to petitioner's refiling the material in conformance with the California Rules of Court.

D043816 Evangelyn P. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

By failing to file a timely petition for writ relief, the notice of intent as to Joseph R. is deemed to be abandoned. The case is dismissed.

D043815 Barbara B. et al. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Jody R. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 8, 2004 (Continued)

D043896 Alejandro M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Alejandro M. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043924 Kim P. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Kim P. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D043866 Duane C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The attorney for petitioner Duane C. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

D041608 Salus et al. v. San Diego County Employees Retirement Association et al.

The opinion filed March 11, 2004 is modified. As modified the opinion is certified for publication. There is no change in the judgment.

FOURTH APPELLATE DISTRICT
DIVISION ONE
April 9, 2004

D043805 In re Benson on Habeas Corpus

The petition is denied.

D043900 Gonzales v. Superior Court of San Diego County/People

The petition is denied.

D042289 Path 1 Network Technologies, Inc. v. De Kraker

The order is affirmed. Appellant is to bear the costs on appeal. O'Rourke, J.;
We Concur: McConnell, P.J., Benke, J.

D040533 People v. Salcido

The order of commitment is affirmed. Aaron J.; We Concur: McConnell, P.J., Benke, J.

D042038 Barratt American Incorporated v. The City of San Diego et al.

The judgment is affirmed. CERTIFIED FOR PUBLICATION. O'Rourke, J.;
We Concur: McConnell, P.J., Aaron, J.

D042248 People v. Quinton

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Haller, J.

D041022 People v. Feiger

The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Nares, J.

D042172 People v. Quinonez

The judgment is affirmed. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

D042938 In re Byron H., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D042265 In re Jose G. et al., Juveniles

D042926

(Consolidated) The judgments are affirmed. McConnell, P.J.; We Concur: Nares, J., Aaron, J.

D041714 People v. Bowman

The judgment is affirmed. Aaron, J.; We Concur: McConnell, P.J., O'Rourke, J.

D042707 Newcomb v. Carnohan/San Diego County Sheriff's Department

Upon filing a written abandonment of appeal, the appeal is dismissed and the remittitur is ordered to issue immediately.

D044012 In re Woods on Habeas Corpus

The petition is denied.

D044002 Hamilton v. Superior Court of Imperial County/Sunil

The petition is denied.